

EXHIBIT B

Reuning – Court Scolds PTO for sloth (con'd)

The gross miscarriage of justice in *Reuning* is being noticed by the bar; it is featured in *Patently O* (attached).

But, is the long delay by the PTO criticized by the Court here *representative* and thus fair commentary? Is *Reuning* a mere outlier?

Hardly! It is rather symptomatic of how a case perceived to be important is dealt with at the PTO, which is manifested perhaps best of all in the high profile area of *inter partes* reexamination, where few cases even *reach* the Board for a decision. For *all* reexaminations including a visit to the Federal Circuit *the average pendency is more than seven years*. Reexamination data is found in the attached paper, *PTO Board Issues First Inter Partes Reexamination Decisions* [August 5, 2007].

Regards,
Hal

Sent: Friday, April 25, 2008 12:28 PM
Subject: *** (2) Reuning, Court Chastises PTO Sloth

(2) Reuning – Court Scolds PTO for sloth: In *In re Reuning*, ___ Fed.Appx.___, ___ (Fed. Cir. 2008)(Linn, J., concurring), the most patent-experienced practitioner on the court, with 35 years patent experience before joining the bench and himself a former Patent Examiner, after first noting his "utmost respect" for PTO leadership including the Board, said that "while [he] would like to believe that this case [of delay amounting to nearly seven years from the filing date] represents an aberration from the standards of practice [he has] long admired and ha[s] come to expect, [he is] concerned that it does not." (Appellant's counsel, too, is criticized.) A yellow highlight marked copy of the concurrence is attached, pointing to specific criticisms of the PTO.

Regards,
Hal